

MINNESOTA BOARD OF BARBER EXAMINERS

MONDAY August 19, 2013

Minutes

Attendance: Board Members: Jon Stone, James Robinson, and Ken Kirkpatrick;
Board Staff: Thora Fisko and Trevor White;
Board Attorney: Mike Tostengard and;
members of the public.

Absent: Board Member Clarence Jones

1) Call to Order

Meeting called to order at 8:00am

2) Approve Agenda

Motion by member Robinson to approve the agenda with addition of E. under item 5 and corrected spelling of member Jones name, second by member Jones, motion carried unanimously.

3) Approve Minutes

Motion to approve with spelling correction of member Jones first name, second by member Jones, motion carried unanimously.

4) New Business

A. Zero Tolerance for Workplace Violence policy update

Executive Secretary reported that the Barber Board had been included with the Health Licensing Boards as part of the combined Barber and Cosmetology Examiners Board in the past. This policy has been rewritten to reflect the independent Board of Barber Examiners at this time.

Motion by member Robinson to approve the policy as presented, second by member Jones, motion carried unanimously

B. Annual Review of Board By Laws

Draft of the Board By-Laws was presented to the board for consideration as its annual review including changes regarding the use of the terms license and licensed changing to registered and registration.

Member Robinson asked for additional revisions on page 9 section 2 Election of Board Officers, consider changing the wording. Comment by member Kirkpatrick that possible direction regarding timing of Board elections in the statute, Governor's directives or Attorney General Handbook which may direct a change back to the November meeting or last meeting of the year.

Member Jones and Kirkpatrick expressed support for changing the election to November meeting with the change in chair to take effect in January and that elections can be revisited if appointments cause the loss of an officer.

Member Robinson also suggested a change in Section 3 #3 stating that only the chair and executive secretary to speak for the Board, suggestion is to add the elected Secretary of the Board, as the other Board officer, as being able to speak for the Board.

After some further discussion:

Motion by member Robinson to table the annual review of the Board By-Laws for further study until the September meeting second by member Jones, motion carried unanimously.

- C. Member Kirkpatrick asked about the frequency of meetings and why the Board meets every two months and not monthly due to items that are tabled or set for reconsideration sometimes taking a long time to be resolved with meetings so far apart.

Discussion included that this is the way the schedule has been, that the volume of business does not support a monthly meeting, and the burden on staff and resources to meet monthly when there is not a large volume of business to attend to.

Board members were asked if there are other types of business or other issues that the Board needs to address that would indicate a larger volume of business needing attention that would result in a need for additional meetings.

The chair thanked member Kirkpatrick for bringing the topic up and suggested that the Board continue to consider any need for additional meetings and bring the topic back if necessary

5) Reciprocity Applications

- A. Hoan Nguyen - Socialist Republic of Vietnam

After review of application, materials provided, and discussion with the applicant motion was made by member Jones to grant registered barber registration based on experience and education as presented, second by member Kirkpatrick, motion carried unanimously.

Comment by the Board's Attorney that the staff of other boards often comment regarding a review of application and if the application meets statutory requirements or not or highlighting questions and that such a procedure is helpful.

- B. Jeffrey Rabbitt – Wisconsin

Mr. Rabbitt was not in attendance at the meeting. After review of application, materials provided and summary provided by executive secretary motion by member Robinson that Mr. Rabbitt be allowed to sit for the apprentice barber examination, second by member Jones, motion carried unanimously.

- C. Olga Jonath Godoy- Honduras

After review of application, materials provided, and applicant was asked if there is a transcript from the school outlining the courses taken, applicant indicated that she does have a transcript but does not have it with her at the meeting. She also explained that in Honduras they do not have a barber school only cosmetology school. She was asked to provide the transcript of training for consideration at the next meeting.

Motion by member Robinson to table until the next meeting, second by member Jones, motion carried unanimously.

D. Mirna Rayas Hipolito- Mexico

The question was asked if this and other applicants have gone to the Cosmetology Board and been denied. The applicant indicates she has not applied with the Cosmetology Board.

There was discussion regarding if she should be referred to the Cosmetology Board given the information that we have states she received “beauty” training. The Board attorney indicated that it is a matter of determining if she meets the standards for this Board and not what the training is called in another country.

After review of the materials provided and lack of a detailed transcript of training a motion was made by member Robinson that the matter be tabled until the next meeting, second by member Jones, motion carried unanimously.

E. Mire Mukhari – Kenya

Review of materials revealed, inconsistencies in documents when compared with previous Kenyan applications. Chair Stone indicated concern regarding the applicants meeting the requirements based upon the documents provided and ask the members if anyone had a motion to make. After further review of materials there was a motion by member Kirkpatrick to deny the reciprocity application, second by member Jones, motion carried unanimously.

6) Petitions for Rule Variance

A. Valiant Taylor- Mr. Taylor presented his request to retake written only apprentice exam to the Board.

Motion by member Robinson that Mr. Taylor be required to retake entire exam upon completion of the required 500 hours of additional education, second by member Jones, motion carried unanimously.

B. Kelly Hall – written only of registered barber exam
Mr. was not in attendance at the meeting.

He will be required to take the registered barber exam with a reader for the written portion.

7) Correspondence

A. Roger Sterriker letter regarding not getting his reminder renewal letter and having to pay reinstatement fees as a result.

8) Inspector Report

Inspector White reports that he continues to be well received by the barbers.

Most frequent violation is related to minor sanitation issues such as wear and tear on the chairs.

Inspector White will be going to Duluth and Ely area in the next week and then to south west Minnesota in a couple of weeks.

9) Executive Secretary Report

A. Legislative update

Summary of the legislation has been mailed with the registration cards, available on the counter, posted on the website, and has been sent to all the schools.

In addition there was a section passed in the legislation instructing the registrar to change the work license to registration and licensed to registered in the barber statutes and rules.

Statute provides for a rule changes related to statutory changes called The Good Cause Exemption where rules may be updated to match the statutory changes when no legal interpretations are necessary. A more detailed description of the process and preliminary draft of the rules requiring change related to the new statutes will be presented at the September meeting. It may be time for the Board to consider entering into the full rule making process, to update the rules of the Board; this can be a difficult and long process.

It is time to begin considering any 2014 legislative agenda. The executive secretary will continue working with the barbers that are interested in mobile barber shops and any other topics that the board directs for the 2014 legislative session.

B. On line renewals

Work continues with the vendor, State of Minnesota Information Technology MN.IT, and US bank to bring the barber registration renewal process to an on line renewal ability. Currently the vendor is making some final modifications for the log on requirements and the payment connection is being developed. The plan is to have the on line renewals available by October 1st. There will be a convenience fee to the barbers for this service between \$2.60 and \$2.80 per transaction depending on registration type.

C. August Exam

17 of 25 registered barber candidates passed the exam and of the 8 that failed 3 are eligible for the new written re-take option.

16 of 17 apprentice candidates passed the exam.

D. Office Space

Plans continue to move forward to relocate the board office to the fourth floor. We will move to space currently housing the Physical Therapy Board office. This will increase our space from 360 square feet to 679 square feet and be a self-contained office rather than subleased space within another board office suite. The additional space should allow for all the files and equipment we use to be in the working area so that the basement archives can be an archive rather than file space for current files as it is partially used for now.

There is no target date set for the move at this time however; construction is underway for the new space for Physical Therapy Board. When that space is complete and a target date set for that office to move then a date for the Barber Board office move will be determined.

E. Financials

1. End FY 2013 with-in budget with approximately \$38,000.00 to the general fund
2. Begin FY 2014 budget allocation of \$317,000.00

10) Old Business

A. South Dakota Reciprocity agreement:

1. Draft reciprocity agreement was provided to South Dakota
2. South Dakota board is unable to provide any copies of the National Exam
3. Information regarding the National Exam is available at the National-Interstate Council of State Boards of Cosmetology website: www.nictesting.org

B. National Association of Barber Boards of America Annual Conference

1. Kenneth Kirkpatrick and Thora Fisko will attend
2. Travel approval total costs not to exceed \$6500.00

11) Call for Public Comments

Jon Mitchell from Moose Lake correctional facility school commented that the correctional facility in Saint Cloud is actively seeking an instructor for the program there and interviews have been done.

Member Robinson asked who is available as an instructor, secretary Fisko indicated there are currently 16 registered barber instructors in the state, several are working currently and some are retired but maintaining registrations. Hiring officials at St. Cloud have discussed registration requirements and the requirements including temporary teaching registration.

12) Meeting Schedule

Scheduled Board Meetings

8:30 a.m. in Conference room A on 4th floor:

September 30, 2013

November 25, 2013

Committee and other Meetings

Complaint Committee follows the same schedule as above, meeting at 10:00 a.m.

13) Closed Session- Chair Stone indicated that the meeting would move to a closed session for individual examination reviews and an exam protocol/process planning session at 9:35a.m.

A. Individual examination review

Examination was discussed and secretary instructed to evaluate the examination with the board attorney and possible solutions available per statute and rule and communicate with the barber candidate.

B. Individual examination review

Examination was discussed and secretary instructed to evaluate the examination with the board attorney and possible solutions available per statute and rule and communicate with the barber candidate.

Motion by member Robinson that a retest be granted based upon the secretary and attorney research, second by member Jones, motion carried unanimously.

C. Board discussion regarding examination procedures

Draft letter to the schools was read, secretary will send a draft to members for comment and consideration at the September meeting.

Continued discussion tabled to next meeting.

Meeting reopened to the public at 10:14

14) Adjournment

Motion to adjourn the meeting by member Robinson, second by member Jones, motion carried unanimously, and meeting adjourned at 10:16.